

Exhibit 5

1 **LOVELL STEWART HALEBIAN AND JACOBSON LLP**

2 **61 Broadway, Suite 501**

3 **New York, New York 10006**

4 **212-608-1900**

5 *Counsel for Indirect Purchaser Plaintiffs*

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7
8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **SAN FRANCISCO DIVISION**

11 **IN RE: CATHODE RAY TUBE (CRT)**
12 **ANTITRUST LITIGATION**

Case No. 3:07-cv-5944
MDL No. 1917

13 **CLASS ACTION**

14 This Document Relates to:
15 All Indirect Purchaser Actions
16

17 **DECLARATION OF KEITH**
18 **ESSENMACHER IN SUPPORT OF**
19 **PLAINTIFFS' APPLICATION FOR**
20 **ATTORNEYS' FEES, EXPENSES AND**
21 **INCENTIVE AWARDS**

Judge: Honorable Samuel Conti
Courtroom One, 17th Floor

1 I, Keith Essenmacher, declare as follows:

2 1. I am an attorney licensed to practice before the courts of State of Michigan and
3 Eastern District of Michigan, and a PARTNER in the law firm LOVELL STEWART HALEBIAN
4 AND JACOBSON LLP. I have personal knowledge of the facts stated in this declaration and, if
5 called as a witness, I could and would testify competently to them. I make this declaration in
6 support of my firm's request for attorneys' fees and reimbursement of litigation expenses, as set
7 forth in Plaintiffs' Application for Attorneys' Fees, Expenses and Incentive Awards.

8 2. My firm is counsel of record in this case, and represents named plaintiff LISA
9 REYNOLDS. A brief description of my firm is attached as Exhibit 1 and incorporated herein by
10 reference.

11 3. Throughout the course of this litigation, my firm kept files contemporaneously
12 documenting all time spent, including tasks performed, and expenses incurred, and transmitted
13 those reports on a regular basis to Lead Counsel. All of the time and expenses reported by my firm
14 were incurred for the benefit of the Indirect Purchaser Plaintiffs ("IPPs").

15 4. During the course of this litigation, my firm has been involved in the following
16 tasks and activities on behalf of the IPPs. All of this work was assigned and/or approved by Lead
17 Counsel.

18 A. More than 70 percent of the hours of professional services that Lovell Stewart Halebian
19 Jacobson LLP ("Lovell Stewart") performed on behalf of the Class were devoted to
20 document review and deposition preparation. Also, Lovell Stewart performed
21 professional services for the drafting of the initial complaints, was included in the
22 proposed leadership in the case, and later performed significant services in connection
23 with Plaintiffs' opposition to the motions to dismiss, Plaintiffs' class certification
24 motion and reply papers, and other discovery and pre-trial matters. A roughly
25 chronological, more detailed description of the professional services performed by
26 Lovell Stewart is as follows.

27 B. At the outset, Lovell Stewart researched Defendants, investigated their related
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1 companies, and searched for facts supporting antitrust violations by Defendants and
2 resulting impact on indirect purchasers. Based thereon, Lovell Stewart drafted and
3 filed initial complaints. Later, Lovell Stewart participated in the strategy sessions,
4 performed investigation, and drafted language for various allegations in the amended
5 and consolidated complaints filed in this action.

6 C. Lovell Stewart conducted legal research on the service of process on foreign
7 defendants. We participated in conferences regarding that research with proposed co-
8 lead counsel. And we researched indirect purchaser issues under various States' laws.

9 D. Lovell Stewart researched and drafted a motion for the JPML for consolidation and
10 transfer, with particular emphasis on FTAIA issues. Lovell Stewart appeared and
11 argued before the JPML on the consolidation and transfer motions.

12 E. After this Court appointed lead counsel, Lovell Stewart performed all subsequent
13 services at the direction of such lead counsel. One of the first assignments was to
14 investigate Defendants. We researched their corporate structures. We gathered
15 extensive company information from SEC filings, Bloomberg's, and numerous
16 websites. We formulated a list of potential deponents.

17 F. Also after the Court appointed leadership, Lovell Stewart was assigned to and did
18 research and prepare discovery requests. This included subpoenas, interrogatories,
19 request for admissions, and requests to produce. Thereafter, Lovell Stewart likewise
20 reviewed, correlated and dealt with the responses to these requests.

21 G. Far more than any other task we performed in this case, Lovell Stewart was assigned to
22 and did review, code documents, and distill them for use in depositions. This included
23 the review, translation, coding and preparation for use at depositions of Japanese
24 documents. It included locating documents for deponents. It included the preparation
25 of exhibits for deposition and trial, such as emails, charts, meeting agendas, and
26 presentations. It included the review and distillation for use at deposition of documents
27 from multiple other Defendants, non-parties and other sources.

- 1 H. Lovell Stewart also participated and was instrumental in Plaintiffs' general document
2 review effort in this action. This included the initial choice, subsequent
3 implementation, and effective use by all counsel of document coding software. We set
4 up coders' computers for document review. We answered document coders' questions.
5 We solved interface and computer problems that arose during document review.
- 6 I. Lovell Stewart researched and prepared the response to certain arguments made by
7 Defendants in their motions to dismiss, and strategized with co-lead counsel on related
8 issues on the motions to dismiss. This included researching and drafting a response to a
9 motion to dismiss specific indirect purchaser State statutory claims as well as common
10 law unjust enrichment claims. We participated in strategy conferences with leadership,
11 helped prepare for oral argument on Defendants' motion to dismiss and at a case
12 management conference before the Court. Thereafter, we communicated with lead
13 counsel, where we gave our input on plaintiffs' discovery program, trial preparation
14 and other issues.
- 15 J. Lovell Stewart gathered documents and other information sought by Defendants in
16 discovery from named Plaintiffs. We drafted discovery responses to Defendants'
17 discovery requests to Plaintiffs. We prepared clients for and represented them at
18 depositions. For example, Lovell Stewart represented its client, Lisa Reynolds, at her
19 deposition in Grand Rapids Michigan. Mrs. Reynolds was among those certified as a
20 class representative Plaintiff herein.
- 21 K. Lovell Stewart strategized and attended meetings and conference calls with lead
22 counsel regarding the class certification motion, class certification experts, and specific
23 class certification issues. We participated in strategy sessions with lead counsel and the
24 experts for, and otherwise gave our input on the overall strategy for the class
25 certification motion and reply brief. Also, we gave our input on numerous specific
26 class certification issues, e.g., tracking monitor manufacturers who used CRT from
27 Defendants, production capacity, production utilization, etc.

1 L. Lovell Stewart prepared for the Indirect Purchaser Plaintiffs F.R.Civ.P. Rule 30(b)(6)
2 depositions of the Defendants Corporation. Here, our preparation included review of
3 documents and materials, review of other transcripts, and communicating with co-lead
4 counsel about pertinent testimony that had occurred prior to these depositions.

5 M. Finally, Lovell Stewart conferred with its clients on developments in the case, including
6 settlements and decisions by the Court. And we prepared our named class
7 representative for trial testimony by mock questioning and interviews.

8 5. The schedule attached as Exhibit 2, and incorporated herein, is a detailed summary
9 of the amount of time spent by my firm's partners, attorneys and professional support staff who
10 were involved in this litigation. It does not include any time devoted to preparing this declaration
11 or otherwise pertaining to the Joint Fee Petition. The lodestar calculation is based on my firm's
12 historical billing rates in effect at the time services were performed and current rates are on a
13 separate table. Exhibit 2 was prepared from contemporaneous time records regularly prepared and
14 maintained by my firm. Those records have been provided to Lead Counsel and I authorize them
15 to be submitted for inspection by the Court if necessary. The hourly rates for my firm's partners,
16 attorneys and professional support staff included in Exhibit 2 were at the time the work was
17 performed the usual and customary hourly rates charged for their services in similar complex
18 litigation and the current rates of the firm.

19 6. The total number of hours reasonably expended on this litigation by my firm from
20 inception to May 31, 2015 is 7350.0 hours. The total lodestar for my firm at historical rates is
21 \$3,194,982.50. The total lodestar for my firm at current rates is \$3,520,882.35. Expense items are
22 billed separately and are not duplicated in my firm's lodestar.

23 7. The expenses my firm incurred in litigating this action are reflected in the books
24 and records of my firm. These books and records are prepared from expense vouchers, invoices,
25 receipts, check records and other source materials and accurately reflect the expenses incurred.
26 My firm's expense records are available for inspection by the Court if necessary.

27 8. My firm incurred a total of \$172,571.59 in unreimbursed expenses, all of which
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1 were reasonable and necessary for the prosecution of this litigation. Of this amount, \$125,000.00
2 was for assessment payments for common litigation expenses or direct payments to experts or
3 other vendors made at the request of Lead Counsel, and an additional \$47,571.59 was for non-
4 common litigation expenses incurred by my firm, such as travel, meals and lodging, copying, legal
5 research, telephone, etc. A summary of those expenses by category is attached as Exhibit 3.

6
7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th
8 day of September, 2015, in Rockford, Michigan.

9 /s/ Keith Essenmacher

10 [SIGNATURE]
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EXHIBIT 1

Lovell Stewart Halebian Jacobson LLP (with its predecessors, “Lovell Stewart” or the “Firm”) is the premier class action law firm prosecuting claims involving commodity manipulation and price fixing, and exchange related antitrust claims. See Seth Lubove and Elizabeth Stanton, *The Power of Pimco*, Bloomberg Markets, Vol. 17, No. 4, April 2008, available [here](#). (“What [Bill] Gross is to the world of bonds, [Lovell Stewart] is to commodities-manipulation and price-fixing lawsuits.”)

Lovell Stewart has overcome the opposition of the leading defense lawyers in order

- to produce what was at the time the largest class action price fixing settlement in the history of the Sherman Antitrust Act, *In re Nasdaq Market Makers Antitrust Litigation*, M.D.L. No. 123 (U.S.D.C. S.D.N.Y.),
- to conduct the first (and, we understand, only) successful trial by a Plaintiffs’ law firm in the United States District Court for the Southern District of New York of claims for price-fixing in violation of the antitrust laws.
- to produce, as Court-appointed sole lead counsel, the first and second largest, and as Court-appointed co-lead counsel, the third and fourth largest class action settlements of commodity manipulation claims in the history of the Commodity Exchange Act.

Building on its prior successes in cases involving copper, agricultural commodities, and exchange related claims, the Firm has been prosecuting as lead or co-lead counsel during the last three years claims alleging the fixing or manipulation of prices of platinum, palladium, steel, silver, West Texas intermediate crude oil, natural gas, milk, cheese, cotton, rice, potash, chocolate, eggs, LIBOR, and other items.

During the last three years, noteworthy settlements of cases in which the Firm has been involved include:

- Price fixing thin film transistor liquid crystal display panels (\$1.1 billion approved settlement);
- Manipulating exchange-based initial public offering security prices (approved final settlement \$570 million settlement);

- Fixing the prices of freight forwarding shipments (approved partial settlements so far of \$134 million);
- Manipulating treasury note futures contract prices (\$118,750,000 settlement);
- Misrepresenting facts and manipulating investment results (proposed partial settlements of \$85.25 million);
- Manipulating natural gas futures contract prices (\$77.1 million);
- Manipulating exchange-based platinum and palladium futures contract prices (proposed partial settlement of \$48,400,000 plus a \$35 million judgment and assignment);
- Fixing the prices of exchange-based milk futures contracts and physical cheese and milk (proposed partial settlement for \$46 million).

EXHIBIT 2

EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2007		

Name/Status	Hourly Rate	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
Craig Essenmacher/a	\$ 530.00			1.0							7.8			8.8	\$ 4,664.00
Keith Essenmacher/a	\$ 450.00			1.0							36.5			37.5	\$ 16,875.00
Imtiaz Siddqui/a	\$ 370.00	1.8									4.7			6.5	\$ 2,405.00
Chris Lovell/p	\$ 765.00	3.9									1.7			5.6	\$ 4,284.00
Gary Jacobson/p	\$ 700.00										1.0			1.0	\$ 700.00
Ken Smith/pl	\$ 210.00										16.2			16.2	\$ 3,402.00
Travis Carter/pl	\$ 150.00										5.0			5.0	\$ 750.00
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
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		5.7	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	72.9	0.0	0.0	80.6	\$ 33,080.00

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2008		

[illegible]

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2009		

[illegible]

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2010		

[illegible]

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2011		

[illegible]

EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2012		

Name/Status	Hourly Rate	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
Craig Essenmacher/p	\$ 635.00	0.5												0.5	\$ 317.50
Keith Essenmacher/p	\$ 615.00	0.8		5.1	25.0	34.1								65.0	\$ 39,975.00
Imtiaz Siddiqui/a														0.0	\$ -
Chris Lovell/p	\$ 845.00	0.8												0.8	\$ 633.75
Gary Jacobson/p														0.0	\$ -
Ken Smith/pl														0.0	\$ -
Travis Carter/pl														0.0	\$ -
Ben Jaccarino/a														0.0	\$ -
Chris McGrath/p														0.0	\$ -
Fred Isquith/a														0.0	\$ -
Ian Stoll/p														0.0	\$ -
Peggy Wedgeworth/p														0.0	\$ -
Christine Segro/pl														0.0	\$ -
Janetta Pittman/oc	\$ 340.00													0.0	\$ -
Jason Pearlman/pl														0.0	\$ -
Jodi Krisilov/p														0.0	\$ -
Merrick Rayle/p														0.0	\$ -
Tucker Kiesling/pl	\$ 170.00									6.0				6.0	\$ 1,020.00
Molly Sullivan/pl														0.0	\$ -
Ari Lehman/oc	\$ 400.00							666.8						666.8	\$ 266,700.00
Mathew Kuiper/a	\$ 350.00							612.7						612.7	\$ 214,445.00
Tracy Greenwood/oc	\$ 400.00							200.0						200.0	\$ 80,000.00
Ari Lehman/oc dep prep	\$ 435.00							207.0						207.0	\$ 90,045.00
Tracy Greenwood/oc dep prep	\$ 450.00							122.5						122.5	\$ 55,125.00
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
		2.1	0.0	5.1	25.0	34.1	0.0	1809.0	0.0	6.0	0.0	0.0	0.0	1881.2	\$ 748,261.25

EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2013		

Name/Status	Hourly Rate	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
Craig Essenmacher/p														0.0	\$ -
Keith Essenmacher/p	\$ 650.00							2.2						2.2	\$ 1,430.00
Imtiaz Siddiqui/a														0.0	\$ -
Chris Lovell/p	\$ 875.00	1.0												1.0	\$ 875.00
Gary Jacobson/p														0.0	\$ -
Ken Smith/pl														0.0	\$ -
Travis Carter/pl														0.0	\$ -
Ben Jaccarino/a														0.0	\$ -
Chris McGrath/p	\$ 520.00						7.7			8.1				15.8	\$ 8,216.00
Fred Isquith/a														0.0	\$ -
Ian Stoll/p														0.0	\$ -
Peggy Wedgeworth/p														0.0	\$ -
Christine Segro/pl														0.0	\$ -
Janetta Pittman/oc														0.0	\$ -
Jason Pearlman/pl														0.0	\$ -
Jodi Krisilov/p														0.0	\$ -
Merrick Rayle/p	\$ 640.00									14.7				14.7	\$ 9,408.00
Tucker Kiesling/pl														0.0	\$ -
Molly Sullivan/pl														0.0	\$ -
Ari Lehman/oc	\$ 400.00							24.8						24.8	\$ 9,900.00
Mathew Kuiper/a	\$ 350.00							986.6						986.6	\$ 345,310.00
Tracy Greenwood/oc														0.0	\$ -
Ari Lehman/oc dep prep	\$ 435.00							967.3						967.3	\$ 420,753.75
Tracy Greenwood/oc dep prep	\$ 450.00													0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
		1.0	0.0	0.0	0.0	0.0	7.7	1980.8	0.0	22.8	0.0	0.0	0.0	2012.3	\$ 795,892.75

EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2014		

Name/Status	Hourly Rate	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
Craig Essenmacher/p														0.0	\$ -
Keith Essenmacher/p	\$ 680.00			1.8										1.8	\$ 1,224.00
Imtiaz Siddiqui/a														0.0	\$ -
Chris Lovell/p	\$ 950.00	0.4						0.3						0.7	\$ 665.00
Gary Jacobson/p														0.0	\$ -
Ken Smith/pl														0.0	\$ -
Travis Carter/pl														0.0	\$ -
Ben Jaccarino/a														0.0	\$ -
Chris McGrath/p														0.0	\$ -
Fred Isquith/a														0.0	\$ -
Ian Stoll/p														0.0	\$ -
Peggy Wedgeworth/p														0.0	\$ -
Christine Segro/pl														0.0	\$ -
Janetta Pittman/oc														0.0	\$ -
Jason Pearlman/pl														0.0	\$ -
Jodi Krisilov/p														0.0	\$ -
Merrick Rayle/p	\$ 700.00													0.0	\$ -
Tucker Kiesling/pl														0.0	\$ -
Molly Sullivan/pl														0.0	\$ -
Ari Lehman/oc	\$ 400.00							295.6		9.8				305.3	\$ 122,120.00
Mathew Kuiper/a	\$ 350.00							8.7						8.7	\$ 3,045.00
Tracy Greenwood/oc														0.0	\$ -
Ari Lehman/oc dep prep	\$ 435.00							158.3						158.3	\$ 68,838.75
Tracy Greenwood/oc dep prep	\$ 450.00													0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
														0.0	\$ -
		0.4	0.0	1.8	0.0	0.0	0.0	462.8	0.0	9.8	0.0	0.0	0.0	474.8	\$ 195,892.75

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	2015		

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EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	Lovell Stewart		
Reporting Year	Inception through Present		

Year		1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
2007		5.7	0.0	2.0	0.0	0.0	0.0	0.0	0.0	0.0	72.9	0.0	0.0	80.6	\$ 33,080.00
2008		38.6	1.8	3.2	20.6	0.0	0.0	23.5	0.0	101.8	22.0	0.0	0.0	211.5	\$ 102,826.00
2009		19.1	0.0	0.3	0.0	0.0	0.0	19.4	0.0	72.0	252.1	5.1	0.0	367.9	\$ 218,852.50
2010		29.3	0.0	276.3	500.2	0.0	0.0	214.9	0.0	538.5	51.9	0.0	0.0	1611.0	\$ 792,105.75
2011		2.1	0.0	118.8	185.9	5.9	0.0	235.6	0.0	159.7	2.0	0.0	0.0	710.0	\$ 307,527.50
2012		2.1	0.0	5.1	25.0	34.1	0.0	1809.0	0.0	6.0	0.0	0.0	0.0	1881.2	\$ 748,261.25
2013		1.0	0.0	0.0	0.0	0.0	7.7	1980.8	0.0	22.8	0.0	0.0	0.0	2012.3	\$ 795,892.75
2014		0.4	0.0	1.8	0.0	0.0	0.0	462.8	0.0	9.8	0.0	0.0	0.0	474.8	\$ 195,892.75
2015		0.0	0.0	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.8	\$ 544.00
		98.1	1.8	408.3	731.7	40.0	7.7	4745.9	0.0	910.6	400.9	5.1	0.0	7350.0	\$ 3,194,982.50

STATUS:

(P) Partner
 (OC) Of Counsel
 (A) Associate
 (LC) Law Clerk
 (PL) Paralegal
 (I) Investigator

CATEGORIES:

1 Attorney Meeting/Strategy
 2 Court Appearance
 3 Client Meeting
 4 Draft Discovery Requests or Responses
 5 Deposition Preparation
 6 Attend Deposition - Conduct/Defend
 7 Document Review
 8 Experts - Work or Consult
 9 Research
 10 Motions/Pleadings
 11 Settlement
 12 Trial

EXHIBIT 3

	Expense Summary		
	Indirect Purchaser Plaintiffs		
Firm Name	Lovell Stewart Halebian & Jacobson LLP		
Reporting Year	Inception through May 31, 2015		
TYPE OF EXPENSE			TOTAL
Assessments			\$ 125,000.00
Outside Copies			
In-house Reproduction /Copies			\$ 917.32
Court Costs & Filing Fees			\$ 350.00
Court Reporters / Transcripts			\$ 874.88
Computer Research			\$ 13,179.66
Telephone & Facsimile			\$ 84.42
Postage/Express Delivery/Courier			\$ 1,045.89
Professional Fees (investigator, accountant, etc.)			
Experts			
Witness / Service Fees			\$ -
Travel: Airfare			\$ 15,639.60
Travel: Lodging/Meals			\$ 11,622.31
Travel: Other			\$ 784.61
Car Rental/Cabfare/Parking			\$ 1,718.22
Other Expenses			\$ 1,354.68
			\$ 172,571.59